

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JAYSON DAVID WING, Inmate #09096-027</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 11-419-GPM</b>
	)	
<b>JENNIFER BRAYE,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

This action came before the Court on Plaintiff's motion to proceed *in forma pauperis* (Doc. 2). On August 3, 2011, Plaintiff was ordered to pay the filing fee of \$350.00 or file a proper motion to proceed *in forma pauperis* supported by a certified copy of his prison trust fund account statement no later than September 2, 2011 (Doc. 8). This date has since passed and Plaintiff has not tendered the filing fee to this Court or filed a proper motion to proceed *in forma pauperis*. As a result, **IT IS HEREBY ORDERED AND ADJUDGED** that this action is **DISMISSED** without prejudice for failure to comply with an order of this Court. Fed.R.Civ.P. 41(b); *see Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7<sup>th</sup> Cir. 1998). All pending motions are **DENIED** as moot. The Clerk is **DIRECTED** to close this case.

**IT IS SO ORDERED.**

DATED: December 6, 2011

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge